

Roy Michael Duchene,

Civil No. 07-3953 (MJD/SRN)

Petitioner,

v.

ORDER

**Joan Fabian, Lori Swanson, and David
Crist,**

Respondents.

Roy Michael Duchene, Minnesota Correctional Facility, Lino Lakes, Minnesota 55014,
pro se.

Kimberly Parker and Peter Marker, Office of the Minnesota Attorney General, 445
Minnesota Street, St. Paul, Minnesota 55101, for Respondents.

This matter is before the Court on the Report and Recommendation of United States
Magistrate Judge Susan Richard Nelson. No objections to the Report and Recommendation
were filed within the requisite time period. Petitioner filed a Motion to Withdraw the Petition
for Writ of Habeas Corpus [Doc. #10]. This motion is **MOOT**. Accordingly, **IT IS HEREBY
ORDERED** that:

1. Petitioner's Application for a Writ of Habeas Corpus under 28 U.S.C. § 2254
(Doc. No. 1) is **DENIED**;
2. Respondents' Motion to Dismiss (Doc. No. 5) is **GRANTED**;
3. Petitioner's Motion to Dismiss Respondents' Answer and Motion to Dismiss
(Doc. No. 7) is **DENIED**; and
4. This action is **DISMISSED WITH PREJUDICE**.

Dated: April 4, 2008

s/Michael J. Davis
MICHAEL J. DAVIS
United States District Judge